

ISMAIL J. RAMSEY (CABN 189820)  
United States Attorney

MARTHA BOERSCH (CABN 126569)  
Chief, Criminal Division

CHRISTIAAN HIGHSMITH (CABN 296282)  
DAVID WARD (CABN 239504)  
Assistant United States Attorneys

450 Golden Gate Avenue, Box 36055  
San Francisco, California 94102-3495  
Telephone: (415) 436-7200  
FAX: (415) 436-7230  
[christiaan.hightsmith@usdoj.gov](mailto:christiaan.hightsmith@usdoj.gov)  
[david.ward@usdoj.gov](mailto:david.ward@usdoj.gov)

Attorneys for United States of America

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA, ) NO. CR 20-00249 RS (LB)  
)  
Plaintiff, ) MOTION AND [PROPOSED] ORDER  
) CONTINUING DEADLINE FOR UNITED STATES  
) TO FILE RESPONSE TO MOTION TO COMPEL  
) AND RESETTING HEARING DATE [DKT. 275]  
v. )  
MARCUS ANDRADE ) Hearing Date: February 15, 2024 (if necessary)  
Defendant. ) Court: Hon. Laurel Beeler, Courtroom B, 15<sup>th</sup> Fl.  
)  
)  
)

The United States hereby submits this motion and [proposed] order asking this Court to continue the government's deadline to respond to *Defendant Andrade's Third Motion to Compel Discovery* (Dkt. 275) by two weeks, from Thursday, February 1, 2024, to Thursday, February 15, 2024. Defense counsel will not agree to this extension without significant concessions from the government, as discussed below. In support of its request, the government states the following and submits that there is good cause to grant the requested motion:

- 1     1. On Thursday, January 25, 2024, at 8:44 p.m., counsel for Defendant Andrade filed the  
2         *Defendant's Third Motion to Compel Discovery, Dkt. 275* ("Motion to Compel"). Counsel  
3         did not consult with the government about the timing for the government's response or  
4         scheduling the motion hearing.
- 5     2. Further, defendant's Motion to Compel repeatedly referenced a declaration by defense  
6         counsel, *see, e.g.*, Dkt. 275, at 2 n.2, 4; however, the document is not accessible on the  
7         docket and government counsel did not receive the declaration via email from defense  
8         counsel until February 1, 2024, at 12:52 p.m. While defense counsel's oversight appears  
9         inadvertent, the declaration includes attachments containing 112 pages of exhibits, which  
10        government counsel did not receive from defense counsel until February 1, 2024, at  
11        approximately 12:52 p.m. and later.
- 12     3. On Tuesday, January 30, 2024, counsel for the government met and conferred with counsel  
13        for defendant Andrade and believed the parties had agreed to a two-week extension for the  
14        government to file its opposition provided the government provide full images of the cell  
15        phones seized from Andrade as soon as possible (provided the government had not  
16        previously returned the devices to Andrade or his prior counsel).
- 17     4. But on January 31, 2024, defense counsel emailed government counsel and said that they  
18        would now only agree to a continuance if the government would immediately produce a  
19        much longer list of requested items.
- 20     5. Undersigned counsel for the government has been working diligently on this case, which  
21        requires a tremendous amount of coordination and communication with law enforcement  
22        agents and entities across multiple districts, which takes more time than in typical cases.
- 23     6. Additionally, government counsel has a previously scheduled international work trip the  
24        week of February 5-9, and a meeting in New York on February 22, which he communicated  
25        to defense counsel during the January 30 telephone call.
- 26     7. Further, at defendant's request, the government agreed in January 2024 to a stipulation  
27        vacating the March 11, 2024, trial date and resetting the trial date for August 5, 2024.

8. For all of the foregoing reasons, the government respectfully requests that the Court order the following briefing and hearing schedule on the Motion to Compel (Dkt. 275):

- a. Defense Motion to Compel (Dkt. 275) filed: January 25, 2024
  - b. Government response filed: February 15, 2024
  - c. Defense reply filed: February 22, 2024
  - d. Hearing Date: February 29, 2024

DATED: February 1, 2024

Respectfully submitted,

ISMAIL J. RAMSEY  
United States Attorney

/s/

## **[PROPOSED] ORDER**

For the reasons stated above, and for good cause shown, the following briefing and hearing schedule is hereby ORDERED:

- a. Defense Motion to Compel (Dkt. 275) filed: January 25, 2024
  - b. Government response filed: February 15, 2024
  - c. Defense reply filed: February 22, 2024
  - d. Hearing date: February 29, 2024

DATED:

---

HON. LAUREL BEELER  
U.S. Magistrate Judge